09 CIV 7654

CLOSED

U.S. District Court
Western District of North Carolina (Charlotte)
CIVIL DOCKET FOR CASE #: 3:09-cv-00097-RJC-DLH

Leyse v. Bank of America, National Association
Assigned to: Chief Judge Robert J. Conrad, Jr
Referred to: Magistrate Judge Dennis Howell
Cause: 28:2201 Injunction

Date Filed: 03/10/2009
Date Terminated: 09/01/2009
Jury Demand: None
Nature of Suit: 430 Banks and Banking
Jurisdiction: Federal Question

Plaintiff

Mark Leyse

represented by **Gary W. Jackson**
Jackson & McGee, LLP
521 East Blvd.
Charlotte , NC 28203
704-377-6680
Fax: 704-377-6690
Email: gjackson@ncadvocates.com
TERMINATED: 09/01/2009
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Todd C. Bank ,
Todd C. Bank, Attorney at Law
119-40 Union Turnpike
Fourth Floor
Kew Gardens , NY 11415
718-520-7125
Fax: 866-698-7850
Email: TBLaw101@aol.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant

Bank of America, National Association

represented by **Amy Pritchard Williams**
K&L Gates LLP
214 North Tryon Street
Hearst Tower, 47th Floor
Charlotte , NC 28202
704-331-7400
Fax: 704-353-3129
Email: amy.williams@klgates.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kyle W.K. Mooney ,
Morrison & Foerster, LLP
Morrison & Foerster LLP
1290 Avenue of the Americas
New York , NY 1014
212-336-4092
Fax: 212-468-7900
Email: kmooney@mofo.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Mark P. Ladner
Morrison & Foerster, LLP
1290 Avenue of the Americas
New York , NY 10104
212-468-8035
Fax: 212-468-7900
Email: mladner@mofo.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/10/2009	1	COMPLAINT against Bank of America, National Association (Filing fee $ 350.00 receipt number CHD004020.), filed by Mark Leyse.(klg) (Entered: 03/10/2009)
03/10/2009		Case Reassigned to Chief Judge Robert J. Conrad, Jr and assigned Magistrate Judge Dennis Howell. District Judge Martin Reidinger no longer assigned to the case. *This is your only notice - you will not receive a separate document.*(klg) (Entered: 03/10/2009)
03/10/2009	2	Summons Issued Conventionally as to Bank of America, National Association. (klg) (Entered: 03/10/2009)
04/28/2009	3	NOTICE of Appearance by Gary W. Jackson on behalf of Mark Leyse (Jackson, Gary) (Entered: 04/28/2009)
05/11/2009	4	Summons Reissued Electronically as to Bank of America, National Association. **NOTICE: Counsel shall print the summons and serve with other case opening documents in accordance with Fed.R.Civ.P.4 and Local Rule 73.1(A)(2).** (klg) (Entered: 05/11/2009)
05/22/2009	5	MOTION for Leave to Appear Pro Hac Vice as to Todd C. Bank Filing fee $ 250, receipt number 0419000000000802074. by Mark Leyse. (Attachments: # 1 Exhibit Declaration of Todd C. Bank in Support of Pro Hac Vice Admission, # 2 Exhibit Application for Admission to Practice Pro Hac Vice)(Jackson, Gary). Motions referred to Dennis Howell. (Entered: 05/22/2009)
05/26/2009	6	**ORDER granting 5 Motion for Leave to Appear Pro Hac Vice added Todd C. Bank for Mark Leyse. Signed by Magistrate Judge Dennis Howell on 9/26/2009. (klg)** (Entered: 05/26/2009)
05/26/2009		Notice to Todd C. Bank: Pursuant to Local Rule 83.1 you are required to **Register** for ECF at www.ncwd.uscourts.gov. Deadline by 6/8/2009. (klg) (Entered: 05/26/2009)

06/12/2009	7	ACKNOWLEDGEMENT OF SERVICE Executed *June 2, 2009* Acknowledgement filed by Bank of America, National Association. (Williams, Amy) (Entered: 06/12/2009)
06/16/2009	8	Consent MOTION for Extension of Time to File Answer by Bank of America, National Association. (Williams, Amy). Motions referred to Dennis Howell. (Entered: 06/16/2009)
06/16/2009	9	**ORDER granting 8 Motion for Extension of Time to Answer re 1 Complaint Bank of America, National Association answer due 7/22/2009.. Signed by Magistrate Judge Dennis Howell on 6/16/2009. (klg)** (Entered: 06/16/2009)
06/18/2009	10	MOTION to Withdraw as Attorney by Mark Leyse. (Attachments: # 1 Proposed Order Order Granting Counsel's Motion to Withdraw)(Jackson, Gary). Motions referred to Dennis Howell. (Entered: 06/18/2009)
06/22/2009	11	**ORDER denying without prejudice 10 Motion to Withdraw as Attorney.. Signed by Magistrate Judge Dennis Howell on 6/22/2009. (klg)** (Entered: 06/22/2009)
07/17/2009	12	MOTION for Leave to Appear Pro Hac Vice as to Mark P. Ladner Filing fee $ 250, receipt number 0419000000000843375. by Bank of America, National Association. (Williams, Amy). Motions referred to Dennis Howell. (Entered: 07/17/2009)
07/17/2009	13	MOTION for Leave to Appear Pro Hac Vice as to Kyle W. K. Mooney Filing fee $ 250, receipt number 0419000000000843384. by Bank of America, National Association. (Williams, Amy). Motions referred to Dennis Howell. (Entered: 07/17/2009)
07/20/2009	14	**ORDER granting 13 Motion for Leave to Appear Pro Hac Vice added Kyle W. K. Mooney for Bank of America, National Association. Signed by Magistrate Judge Dennis Howell on 7/20/2009. (klg)** (Entered: 07/20/2009)
07/20/2009	15	**ORDER granting 12 Motion for Leave to Appear Pro Hac Vice added Mark P. Ladner for Bank of America, National Association. Signed by Magistrate Judge Dennis Howell on 7/20/2009. (klg)** (Entered: 07/20/2009)
07/20/2009		Notice to Mark P. Ladner and Kyle W.K. Mooney: Pursuant to Local Rule 83.1 you are required to **Register** for ECF at www.ncwd.uscourts.gov. Deadline by 8/3/2009. (klg) (Entered: 07/20/2009)
07/20/2009	16	MOTION for Leave to Appear Special Admission *per Local Rule 83(D)(2)* by Mark Leyse.Responses due by 8/6/2009. (Bank, Todd). Motions referred to Dennis Howell. (Entered: 07/20/2009)
07/21/2009	17	**ORDER denying 16 Motion for Leave to Appear Special Admission per Local Rule 83 (D)(2). Signed by Magistrate Judge Dennis Howell on 7/21/2009. (klg)** (Entered: 07/21/2009)
07/22/2009	18	MOTION to Dismiss *or Transfer this Action and for Attorneys' Fees and Costs* by Bank of America, National Association.Responses due by 8/10/2009. (Williams, Amy). Motions referred to Dennis Howell. Modified on 9/1/2009 re event type(gpb). (Entered: 07/22/2009)
07/22/2009	19	MEMORANDUM in Support re 18 MOTION to Dismiss *or Transfer this Action and for Attorneys' Fees and Costs* by Bank of America, National Association. (Williams, Amy) (Entered: 07/22/2009)
07/22/2009	20	DECLARATION re 18 MOTION to Dismiss *or Transfer this Action and for Attorneys' Fees and Costs*, 19 Memorandum in Support of Motion *(Declaration of John Nelson)* filed by Bank of America, National Association (Attachments: # 1 Exhibit 1-DialAmerica Report)(Williams, Amy) (Entered: 07/22/2009)

07/22/2009	21	DECLARATION re 19 Memorandum in Support of Motion, 18 MOTION to Dismiss *or Transfer this Action and for Attorneys' Fees and Costs (Declaration of Kyle Mooney)* filed by Bank of America, National Association (Attachments: # 1 Exhibit 1-Civil Docket from Dutriaux v. Bank of America, # 2 Exhibit 2-Class Action Complaint, # 3 Exhibit 3-Amended Class Action Complaint, # 4 Exhibit 4-Second Amended Class Action Complaint, # 5 Exhibit 5-July 14, 2007 Order, # 6 Exhibit 6-November 3, 2008 email from Mooney to Bank, # 7 Exhibit 7-Docket for Holster v. Gatco, # 8 Exhibit 8-Memo dated June 15, 1973 from Administrative Office of US Courts, # 9 Exhibit 9-Complaint, # 10 Exhibit 10-June 3, 2009 letter from Ladner to Jackson and Bank, # 11 Exhibit 11-June 9, 2009 email from Williams to Jackson, # 12 Exhibit 12-June 22, 2009 email from Williams to Bank, # 13 Exhibit 13-directions from Dial America)(Williams, Amy) (Entered: 07/22/2009)
07/24/2009	22	NOTICE by Bank of America, National Association *of Revised Certifications* (Williams, Amy) (Entered: 07/24/2009)
08/04/2009	23	MEMORANDUM in Opposition re 18 MOTION to Dismiss *or Transfer this Action and for Attorneys' Fees and Costs* by Mark Leyse. Replies due by 8/17/2009. (Attachments: # 1 Declarations of Mark Leyse and Todd C. Bank, # 2 Exhibit A - H, # 3 Envelope)(tmg) (Entered: 08/05/2009)
08/10/2009		Second Notice to Mark P. Ladner: Pursuant to Local Rule 83.1 you are required to **Register** for ECF at www.ncwd.uscourts.gov. Deadline by 8/24/2009. (com) (Entered: 08/10/2009)
08/14/2009	24	MOTION to Withdraw as Attorney by Mark Leyse. (Attachments: # 1 Exhibit Declaration of Mark Leyse)(Jackson, Gary). Motions referred to Dennis Howell. (Entered: 08/14/2009)
08/17/2009	25	**ORDER dismissing without prejudice 24 Motion to Withdraw as Attorney. Signed by Magistrate Judge Dennis Howell on 8/17/09. (gpb)** (Entered: 08/17/2009)
08/17/2009	26	REPLY to Response to Motion re 18 MOTION to Dismiss *or Transfer this Action and for Attorneys' Fees and Costs* by Bank of America, National Association. (Williams, Amy) (Entered: 08/17/2009)
08/26/2009	27	MOTION to Withdraw as Attorney by Mark Leyse. (Attachments: # 1 Exhibit Declaration of Mark Leyse, # 2 Proposed Order Order Granting Motion to Withdraw)(Jackson, Gary). Motions referred to Dennis Howell. (Entered: 08/26/2009)
08/27/2009	28	**ORDER Setting Hearing on 27 MOTION to Withdraw as Attorney: Motion Hearing set for 9/14/2009 03:30 PM in Courtroom, 100 Otis St, Asheville, NC 28801 before Magistrate Judge Dennis Howell. **All counsel now of record shall attend, as well as the Plaintiff.** Signed by Magistrate Judge Dennis Howell on 8/27/09. (gpb)** (Entered: 08/27/2009)
09/01/2009	29	**ORDER granting 18 Defendant's Motion Transfer Case; Deferring for disposition by the transferee court 18 Motion to Dismiss & for Attorneys Fees and Costs; granting 27 Local Counsel's Motion to Withdraw as Attorney; Cancelling 9/14/09 hearing. Attorney Gary W. Jackson terminated. This case is TRANSFERRED to the Southern District of New York for consolidation with Dutriaux v. Bank of America, N.A. (SDNY# 05-3838-JGK). Signed by Magistrate Judge Dennis Howell on 9/1/09. (gpb)** (Entered: 09/01/2009)
09/01/2009		Case transferred to District of Southern New York. (gpb) (Entered: 09/01/2009)

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